

Express Mail Label No. EV308899251US  
Date of Deposit: March 26, 2004  
ATTORNEY'S DOCKET NO: C1104-7082.21

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: George G. Mueller and Ihor A. Lys  
Serial No: Not yet assigned  
Confirm No.: Not yet assigned  
Filed: March 26, 2004  
For: MULTICOLORED LIGHTING METHOD AND APPARATUS  
  
Examiner: not yet assigned  
Art Unit: not yet assigned

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir/Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

**PART II: Information Cited**

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

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The Applicants would also like to bring to the Examiner's attention the following co-pending application that may contain subject matter related to this application.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
09/669,121	09/25/2000	George G. Mueller, et al.
09/805,368	03/13/2001	Kevin J. Dowling, et al.
09/805,590	03/13/2001	Kevin J. Dowling, et al.
09/971,367	10/04/2001	George G. Mueller, et al.

The Applicants also wish to bring to the attention of the Examiner the following information:

Pursuant to MPEP §2001.06(c), Applicants bring to the Examiner's attention that two U.S. patents currently assigned to the same assignee of the present application (i.e., Color Kinetics, Inc.) have been involved in litigation. These patents include U.S. Patent No. 6,016,038 (U.S. Serial No. 08/920,156) and U.S. Patent No. 6,150,774 (U.S. Serial No. 09/425,770), both assigned to Color Kinetics, Inc. The present application is a continuation of Serial No. 09/971,367, which is a continuation of 09/669,121, which is a continuation of 09/425,770, which is a continuation of Serial No. 08/920,156.

The aforementioned patents both are involved in the following litigations: Case No. 6:02-cv-270-ORL-19JGG in the United States District Court, Middle District of Florida, Orlando Division, and Case No. 02 CV 11137MEL in the United States District Court, District of Massachusetts.

Applicants acknowledge the duty to disclose to the U.S. Patent Office material information that may arise from these litigations, including evidence of possible prior public use or sales, questions of inventorship, prior art, allegations of "fraud," "inequitable conduct," and "violation of duty of disclosure," or any assertion which is contradictory to assertions made to the Examiner during prosecution of the present application.

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To this end, Applicants submit to the Examiner in the present Information Disclosure Statement various prior art that arose in connection with the above-identified litigations. Applicants also wish to make of record in the present application the following documents from the litigations:

A. Case No. 6:02-cv-270-ORL-19JGG

1. Plaintiff's Amended Verified Complaint
2. Defendant's Answer and Counterclaims
3. Plaintiff's Answer to Counterclaims
4. Plaintiff's Answers to Defendant's First Set of Interrogatories

Three exhibits originally accompanied document 4 above: Exhibit 1, which is an affidavit of Kevin Furry and Chuck Somerville; Exhibit 2, which is a confidential financial statement furnished by the Plaintiff; and Exhibit 3, which is a confidential opinion of counsel obtained by the Plaintiff relating to validity and non-infringement of the asserted patents. Exhibit 1 is cited herein (and appears on the accompanying PTO Form-1449). Both Exhibits 2 and 3 accompanying document 4 were marked "Confidential," pursuant to a Confidentiality Agreement between the parties in the Florida case, and hence have not been disclosed to the United States Patent and Trademark Office.

B. Case No. 02 CV 11137MEL

1. Plaintiff's Complaint and Jury Demand
2. Defendant's Answer and Affirmative Defenses

Applicants make no representation that the documents identified herein relating to these litigations provide information material to the examination of the present application. Applicants make these documents of record in the present application primarily for completeness to facilitate the Examiner's understanding of the nature of these litigations. The Examiner is urged

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to form his or her own conclusion regarding the relevance of the information contained in these documents.

### PART III: Explanation of Non-English Language References

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

Some of the references listed on the attached form PTO-1449 (modified) were cited in at least one of five oppositions filed against a European counterpart to U.S. Patent No. 6,016,038 (U.S. Serial No. 08/920,156), discussed above in Part II. The European counterpart is EP Patent No. 1,016,062, EP Serial No. 98944539.0. Again, the present application, like U.S. Serial No. 08/920,156, currently is assigned to Color Kinetics, Inc., and is related as a great-great grandchild of U.S. Serial no. 08/920,156.

Applicants make no representation that the documents cited herein relating to the European oppositions provide information material to the examination of the present application. Applicants make these documents of record in the present application primarily for completeness to facilitate the Examiner's understanding of the nature of these oppositions. The Examiner is urged to form his or her own conclusion regarding the relevance of the information contained in these documents.

### PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

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3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

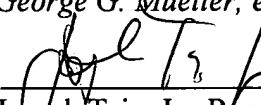
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*George G. Mueller, et al.*

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## U.S. PATENT DOCUMENTS

Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		* US 2003/0189412	A1	Cunningham	10/09/2003
		* US 2001/0033488	A1	Chliwnyj, et al.	10/25/2001
		* US 2002/0047624	A1	Stam, et al.	04/25/2002
		* Re. 36,030		Nadeau	01/05/1999
		* 2,909,097		A.E. Alden, et al.	10/20/1959
		* 3,318,185		Kott	05/09/1967
		* 3,561,719		Grindle	02/1971
		* 3,586,936		McLeroy	06/22/1971
		* 3,601,621		Ritchie	08/24/1971
		* 3,643,088		Osteen, et al.	02/1972
		* 3,740,570		Kaelin et al.	06/19/1973
		* 3,746,918		Drucker, et al.	07/17/1973
		* 3,818,216		Larraburu	06/18/1974
		* 3,832,503		Crane	08/27/1974
		* 3,858,086		Anderson, et al.	12/31/1974
		* 3,909,670		Wakamatsu, et al.	09/30/1975
		* 3,924,120		Cox, III	12/02/1975
		* 3,958,885		Stockinger, et al.	05/25/1976
		* 3,974,637		Bergey, et al.	08/17/1976
		* 4,001,571		Martin	01/04/1977
		* 4,054,814		Fegley, et al.	10/18/1977
		* 4,070,568		Gala	01/24/1978
		* 4,082,395		Donato, et al.	04/04/1978
		* 4,096,349		Donato	06/20/1978
		* 4,241,295		Williams, Jr.	12/23/1980
		* 4,271,408		Teshima, et al.	06/02/1981
		* 4,272,689		Crosby, et al.	06/09/1981
		* 4,273,999		Pierpoint	06/16/1981
		* 4,298,869		Okuno	11/03/1981
		* 4,329,625		Nishizawa, et al.	05/11/1982
		* 4,339,788		White et al.	07/13/1982
		* 4,342,947		Bloyd	08/03/1982
		* 4,367,464		Kurahashi, et al.	12/04/1983
		* 4,388,567		Yamazaki, et al.	06/14/1983
		* 4,388,589		Molldrem, Jr.	06/14/1983
		* 4,392,187		Bornhorst	07/05/1983
		* 4,420,711		Takahashi, et al.	12/13/1983

<b>FORM PTO-1449/A and B (Modified)</b> <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b>				APPLICATION NO.:	not yet assigned	ATTY. DOCKET NO.:	C1104-7082.21
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				APPLICANT:	George G. Mueller and Ihor A. Lys		
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	*4,455,562		Dolan et al.		06/19/1984
	* 4,500,796		Quin		02/19/1985
	* 4,597,033		Meggs, et al.		06/24/1986
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	* 4,635,052		Aoike, et al.		01/06/1987
	* 4,647,217		Havel		03/03/1987
	* 4,654,629		Bezos et al.		03/31/1987
	* 4,656,398		Michael, et al.		04/07/1987
	* 4,668,895		Schneiter		05/26/1987
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	* 4,682,079		Sanders, et al.		07/21/1987
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	* 4,701,669		Head, et al.		10/20/1987
	* 4,705,406		Havel		11/10/1987
	* 4,707,141		Havel		11/17/1987
	* 4,727,289		Uchida		02/23/1988
	* 4,740,882		Miller		04/26/1988
	* 4,753,148		Johnson		06/28/1988
	* 4,771,274		Havel		09/13/1988
	* 4,780,621		Bartleucci, et al.		10/25/1988
	* 4,794,383		Havel		12/27/1988
	*4,824,269		Havel		04/25/1989
	* 4,833,542		Hara et al.		05/23/1989
	*4,870,325		Kazar		09/26/1989
	* 4,818,072		Mohebban		04/04/1989
	* 4,837,565		White		06/06/1989
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	* 4,845,481		Havel		07/04/1989
	* 4,845,745		Havel		07/04/1989
	* 4,857,801		Farrell		08/15/1989
	* 4,863,223		Weissenbach, et al.		09/05/1989
	* 4,874,320		Freed, et al.		10/17/1989
	* 4,887,074		Simon, et al.		12/12/1989
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		* 4,965,561		Havel	10/23/1990
		* 4,973,835		Kurosu, et al.	11/27/1990
		* 4,979,081		Leach, et al.	12/18/1990
		* 4,980,806		Taylor, et al.	12/25/1990
		* 4,992,704		Stinson	02/12/1991
		* 5,003,227		Nilssen	03/26/1991
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		* 5,010,459		Taylor, et al.	04/23/1991
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		* 5,072,216		Grange	12/10/1991
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		* 5,083,063		Brooks	01/21/1992
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		* 5,126,634		Johnson	06/30/1992
		* 5,128,595		Hara	07/07/1992
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		* 5,134,387		Smith, et al.	07/28/1992
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		* 5,161,879		McDermott	11/10/1992
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		* 5,184,114		Brown	02/02/1993
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		* 5,254,910		Yang	10/19/1993
		* 5,256,948		Boldin, et al.	10/26/1993
		* 5,268,828		Miura	12/07/1993
		* 5,278,542		Smith, et al.	01/11/1994
		* 5,282,121		Bornhorst, et al.	01/25/1994
		* 5,283,517		Havel	02/01/1994
		* 5,287,352	A	Jackson et al.	02/15/1994
		* 5,294,865		Haraden	03/15/1994

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	* 5,301,090		Hed	04/05/1994
	* 5,307,295		Taylor, et al.	04/26/1994
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	* 5,402,702		Hata	04/04/1995
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	* 5,406,176		Sugden	04/11/1995
	* 5,410,328		Yoksza, et al.	04/25/1995
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	* 5,436,853		Shimohara	07/25/1995
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	* 5,471,052		Ryczek	11/28/1995
	* 5,475,300		Havel	12/12/1995
	* 5,489,827		Xia	02/06/1996
	* 5,491,402		Small	02/13/1996
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	* 5,504,395		Johnson, et al.	04/02/1996
	* 5,519,496		Borgert, et al.	05/21/1996
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	* 5,545,950		Cho	08/13/1996
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		* 5,621,282		Haskell	04/15/1997
		*5,621,603	A	Adamec et al.	04/15/1997
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		* 5,808,689		Small	09/15/1998
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		* 5,821,695		Vilanilam, et al.	10/13/1998
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		* 5,924,784		Chliwnyj, et al.	07/20/1999
		* 5,927,845		Gustafson, et al.	07/27/1999
		* 5,946,209		Eckel, et al.	08/31/1999
		* 5,952,680		Strite	09/14/1999
		* 5,959,547		Tubel, et al.	09/28/1999

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		* 5,974,553	Gandar	10/26/1999	
		* 5,980,064	Metroyanis	11/09/1999	
		* 6,008,783	Kitagawa, et al.	12/28/1999	
		* 6,016,038	Mueller, et al.	01/18/2000	
		* 6,018,237	Havel	01/25/2000	
		* 6,020,825	Chansky et al.	02/01/2000	
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		* 6,031,343	Recknagel, et al.	02/29/2000	
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		* 6,072,280	Allen	06/06/2000	
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		* 6,095,661	Lebens, et al.	08/01/2000	
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		* 6,292,901	B1	Lys, et al.	09/18/2001
		* 6,310,590	B1	Havel	10/30/2001
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DATE CONSIDERED

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\* a copy of this reference is not provided as it was previously cited by or submitted to the office in prior applications:

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Serial No. 09/669,121, filed September 25, 2000; (C01104/70006)  
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<b>FORM PTO-1449/A and B (Modified)</b>				APPLICATION NO.:	not yet assigned	ATTY. DOCKET NO.: C1104-7082.21
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which are relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

**[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]**